

REMARKS

Applicant has carefully reviewed the Application in light of the Office Action dated October 3, 2002. At the time of the Office Action, Claims 1-85 were pending in the Application.

Section 102 Rejection

The Examiner rejects Claims 1, 3, 11, 17, 19, 36, 38-41, 47-49, 57, 63, 65, 82, and 84-85 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,434,616 issued to Urano et al. ("*Urano*"). Applicant respectfully traverses this rejection for the following reasons.

Independent Claims 1, 3, 38, 48, and 49 recite, in general, receiving instructions that indicate how packets received by the forwarding agent are to be processed and processing the packets according to the instructions. In contrast to these teachings, *Urano* discloses a method for monitoring abnormal behavior in a computer system. The method includes collecting log information in order to detect an event. (See *Urano*, Column 2, lines 61-67.) When one of the manager computer 104, console computer 106, and operator 105 detects an abnormal condition, the manager computer 104 collects more detailed information. (See *Urano*, Column 5, lines 37-40.) In the example offered by *Urano*, the manager computer 104 supposes that an event has occurred and collects the logs to verify it. The method purportedly reduces the load on the manager computer 104 necessary to make an analysis and minimizes network traffic. (See *Urano*, Column 6, lines 5-13.) However, nowhere in *Urano* is there any disclosure, teaching, or suggestion of receiving instructions and processing packets according to the instructions as recited in the above-identified claims. Applicant pointed out as much in the previous response, which was a result of the Examiner's Office Action of October 3, 2002. The Examiner appears to be unclear as to the process disclosed by *Urano*. While it is true that an instruction is provided in the system of *Urano*, that instruction is incapable of indicating how packets are to be processed. Moreover, the "instruction" disclosed by *Urano* reflects rules governing which log is important and which log should be sent to the manager computer. (See *Urano* generally at Column 4, lines 28-52.) This is not akin to receiving instructions and processing packets according to the instructions as recited in the above-identified claims. For at least this reason, these claims are patentable over *Urano*. Additionally, Claims 11, 17, 19, and 36 depend from Independent Claim 3 and are therefore also allowable over *Urano*. Also,

Claims 39, 40, 41, and 47 and Claims 57, 63, 65, and 82 depend from Independent Claims 38 and 49 respectively and are therefore also allowable over *Urano* for similar reasons. Accordingly, *Urano* does not anticipate Claims 1, 3, 11, 17, 19, 36, 38-41, 47-49, 57, 63, 65, 82, and 84-85. Notice to this effect is respectfully requested in the form of an allowance of these claims.

Section 103 Rejections

The Examiner rejects Claim 2, 16, and 62 under 35 U.S.C. 103(a) as being unpatentable over *Urano* in view of U.S. Patent No. 6,243,748 issued to Arai ("*Arai*"). Claim 1, from which Claim 2 depends, has been shown to be patentably distinct from *Urano*. Claim 3, from which Claim 16 depends, has been shown to be patentably distinct from *Urano*. Claim 49, from which Claim 62 depends, has also been shown to be patentably distinct from *Urano*. Also, in contrast to Claims 2, 16, and 62 *Arai* discloses a method and apparatus for managing a large scale network including apparatuses to be managed. *Arai* fails to provide any disclosure that would teach or suggest the appropriate claim limitations as is required for a proper §103 analysis. Moreover, *Arai* fails to offer any additional subject matter combinable with *Urano* that would be material to patentability. For example, neither *Arai* nor any other reference of record offers any suggestion or motivation to make the proposed combination as is required by MPEP §2143. Therefore, Applicant respectfully submits that Claims 2, 16, and 62 are patentably distinct from the proposed *Urano-Arai* combination.

The Examiner rejects Claims 4, 6, 10, 16, 50, 52, 56, and 62 under 35 U.S.C. 103(a) as being unpatentable over *Urano* in view of U.S. Patent No. 5,961,595 issued to Kawagoe ("*Kawagoe*"). Claims 3 and 49, from which Claims 4, 6, 10, and 16 and Claims 50, 52, 56, and 62 respectively depend, have been shown to be patentably distinct from *Urano*. Also, in contrast to the subject matter of these claims, *Kawagoe* discloses a network management system with a hardware resource management module shared between networks. *Kawagoe* fails to provide any additional disclosure that would teach or suggest all of the claim limitations as is required for a proper §103 analysis. Moreover, *Kawagoe* fails to offer any additional subject matter combinable with *Urano* that would be material to patentability. Neither *Kawagoe* nor any other reference of record offers any suggestion or motivation to make the proposed combination. Additionally, the Examiner has also failed to show that such a combination could have been based on the knowledge available to one having ordinary

skill in the art. Therefore, Applicant respectfully submits that Claims 4, 6, 10, 16, 50, 52, 56, and 62 are patentably distinct from the proposed *Urano-Kawagoe* combination.

The Examiner rejects Claims 12, 34, 35, 37, 58, 80, 81, and 83 under 35 U.S.C. 103(a) as being unpatentable over *Urano* in view of U.S. Patent No. 6,407,997 issued to DeNap ("*DeNap*"). Claims 3 and 49, from which Claims 12, 34, 35, and 37 and Claims 58, 80, and 81 respectively depend, have been shown to be patentable over *Urano*. Also, in contrast to the subject matter of these claims, *DeNap* discloses an asynchronous transfer mode system for providing telephony service. *DeNap*, however, fails to provide any additional disclosure that would teach or suggest all of the claim limitations. *DeNap* also fails to offer any additional subject matter combinable with *Urano* that would be material to patentability. For example, neither *DeNap* nor any other reference of record offers any suggestion or motivation to make the proposed combination or that such a combination could have been based on the knowledge available to one having ordinary skill in the art. Therefore, Applicant respectfully submits that Claims 12, 34, 35, 37, 58, 80, 81, and 83 are patentably distinct from the proposed *Urano-DeNap* combination.

The Examiner rejects Claims 13 and 59 under 35 U.S.C. 103(a) as being unpatentable over *Urano* in view of U.S. Patent No. 6,363,072 issued to Furuichi ("*Furuichi*"). Claims 3 and 49, from which Claims 13 and 59 respectively depend, have been shown to be patentable distinct from *Urano*. Additionally, in contrast to the subject matter of these claims, *Furuichi* discloses an ATM network communication control system allowing end-to-end connection to be set up with ease. *Furuichi* fails to provide any disclosure that would teach or suggest all of the claim limitations of Claims 13 and 59. Moreover, *Furuichi* fails to offer any additional subject matter combinable with *Urano* that would be material to patentability. Neither *Furuichi* nor any other reference of record offers any suggestion or motivation to make the proposed combination. Therefore, Applicant respectfully submits that Claims 13 and 59 are patentably distinct from the proposed *Urano-Furuichi* combination.

The Examiner rejects Claims 14 and 60 under 35 U.S.C. 103(a) as being unpatentable over *Urano* in view of U.S. Patent No. 6,065,061 issued to Blahut et al. ("*Blahut*"). Claims 3 and 49, from which Claims 14 and 60 respectively depend, have been shown to be allowable from *Urano*. Additionally, *Blahut* discloses an internet protocol based network architecture for cable television access with switched feedback. *Blahut*, however, fails to provide any disclosure that would teach or suggest all of the claim limitations of Claims 14 and 60 as is

required for a proper §103 analysis. Moreover, *Blahut* fails to offer any additional subject matter combinable with *Urano* that would be material to patentability. For example, neither *Blahut* nor any other reference of record offer any suggestion or motivation to make the proposed combination or that such a combination could have been based on the knowledge available to one having ordinary skill in the art. Therefore, Applicant respectfully submits that Claims 14 and 60 are patentably distinct from the proposed *Urano-Blahut* combination.

The Examiner rejects Claims 15, 43, and 61 under 35 U.S.C. 103(a) as being unpatentable over *Urano* in view of U.S. Patent No. 6,125,390 issued to Touboul ("*Touboul*"). Claims 3, 38, and 49, from which Claims 15, 43, and 61 respectively depend, have been shown to be allowable over *Urano*. Also, in contrast to the subject matter of these claims, *Touboul* discloses a method and apparatus for monitoring and controlling in a network. *Touboul* fails to provide any disclosure that would teach or suggest all of the claim limitations as is required for a proper §103 analysis. Moreover, *Touboul* fails to offer any additional subject matter combinable with *Urano* that would be material to patentability. For example, neither *Touboul* nor any other reference of record offers any suggestion or motivation to make the proposed combination. Therefore, Applicant respectfully submits that Claims 15, 43, and 61 are patentably distinct from the proposed *Urano-Touboul* combination.

The Examiner rejects Claims 18 and 64 under 35 U.S.C. 103(a) as being unpatentable over *Urano* in view of U.S. Patent No. 6,070,187 issued to Subramaniam et al. ("*Subramaniam*"). Claims 3 and 49, from which Claims 18 and 64 respectively depend, have been shown to be allowable over *Urano*. Additionally, *Subramaniam* discloses a method and apparatus for configuring a network node to be its own gateway. *Subramaniam*, however, fails to provide any disclosure that would teach or suggest all of the claim limitations of Claims 18 and 64. Moreover, *Subramaniam* fails to offer any additional subject matter combinable with *Urano* that would be material to patentability. For example, neither *Subramaniam* nor any other reference of record offers any suggestion or motivation to make the proposed combination. Therefore, Applicant respectfully submits that Claims 18 and 64 are patentably distinct from the proposed *Urano-Subramaniam* combination.

The Examiner rejects Claims 21-33, 42, 44-46, and 67-79 under 35 U.S.C. 103(a) as being unpatentable over *Urano* in view of U.S. Patent No. 6,172,980 issued to Flanders et al. ("*Flanders*"). Claims 3 and 49, from Claims 21-23 and Claims 42-46 and 67-79 respectively

depend, have been shown to be allowable over *Urano*. Also, *Flanders* discloses a method and apparatus for determining agent availability based on a level of uncompleted tasks. But *Flanders* fails to offer any disclosure that would teach or suggest all of the claim limitations as is required for a proper §103 analysis. Moreover, *Flanders* fails to offer any additional subject matter combinable with *Urano* that would be material to patentability. For example, neither *Flanders* nor any other reference of record offers any suggestion or motivation to make the proposed combination or that such a combination could have been based on the knowledge available to one having ordinary skill in the art. Therefore, Applicant respectfully submits that Claims 21-33, 42-46, and 67-79 are patentably distinct from the proposed *Urano-Flanders* combination.

The Examiner rejects Claims 20 and 66 under 35 U.S.C. 103(a) as being unpatentable over *Urano* in view of *Arai*. Claims 3 and 49, from which Claims 20 and 66 respectively depend, have been shown to be allowable over *Urano*. Moreover, *Arai* fails to provide any additional disclosure combinable with *Urano* that would be material to patentability. Accordingly, Claims 20 and 66 are patentably distinct from the proposed combination.

Claims 5 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Urano* in view of *Kawagoe* and in further view of *Arai*. Claims 3 and 49, from which Claims 5 and 51 respectively depend, have been shown to be allowable over *Urano*. Moreover, *Kawagoe* fails to provide any additional disclosure combinable with *Urano* or *Arai* that would be material to patentability. Accordingly, Claims 5 and 51 are patentably distinct from the proposed combination.

Claims 7 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Urano* in view of *Kawagoe* and in further view of *DeNap*. Claims 3 and 49, from which Claims 7 and 53 respectively depend, have been shown to be allowable over *Urano*. Moreover, neither *Kawagoe* nor *DeNap* provide any additional disclosure combinable with *Urano* that would be material to patentability. Accordingly, Claims 7 and 53 are patentably distinct from the proposed combination.

Claims 8 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Urano* in view of *Kawagoe* and in further view of *Furuichi*. Claims 3 and 49, from which Claims 8 and 54 respectively depend, have been shown to be allowable over *Urano*. Moreover, neither *Kawagoe* nor *Furuichi* provide any additional disclosure combinable with

Urano that would be material to patentability. Accordingly, Claims 8 and 54 are patentably distinct from the proposed combination.

Claims 9 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Urano* in view of *Kawagoe* and in further view of *Blahut*. Claims 3 and 49, from which Claims 9 and 55 respectively depend, have been shown to be allowable over *Urano*. Moreover, neither *Kawagoe* nor *Blahut* provide any additional disclosure combinable with *Urano* that would be material to patentability. Accordingly, Claims 9 and 55 are patentably distinct from the proposed combination.

Thus, the rejections associated with each of these references have been traversed as illustrated by the analysis provided above. Accordingly, the remaining claims are allowable over the proposed combinations using similar reasoning. Additionally, the Examiner has yet to provide any evidence in any of the cited references, or in the knowledge available to one having ordinary skill in the art, to make any of the proposed combinations. Moreover, with regards to all of the proffered §103 rejections asserted, the Examiner is yet to show a modicum of evidence that would reflect any degree of success for the proposed combinations of references much less a reasonable degree of success as is required for a proper §103 analysis.


Accordingly, all of the pending claims have been shown to be allowable as they are patentably distinct from the references of record. Notice to this effect is respectfully requested in the form of a full allowance of Claims 1-85.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of Claims 1-85. The Commissioner is hereby authorized to charge additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact its attorney at the number provided below.

Respectfully submitted,
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